

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LYNN KAREN HOCK,

Appellant,

v.

U.S. DEPARTMENT OF EDUCATION,

Appellee.

NO. 3:21-cv-00134-FDW

JOINT MOTION TO STAY CASE

The Department of Education (“DOE”), by and through the undersigned counsel, and Plaintiff Lynn Karen Hock, *pro se*, jointly request a stay of this litigation until and including May 1, 2022. In support of this Motion, the Parties would respectfully show as follows.

1. Plaintiff Hock requested a stay based, *inter alia*, on public statements made by the Department of Education that “The Department of Education has indicated publicly that it is reviewing current bankruptcy policies, a process which remains ongoing. While the student loan payment pause remains in effect, any borrower in an adversary bankruptcy proceeding can request and receive a stay on their proceedings.” See <https://www.forbes.com/sites/zackfriedman/2022/02/04/biden-stops-challenging-student-loan-forgiveness-after-public-outcry/?sh=352c59f4cb11>.

2. After Plaintiff’s stay request, the USAO-WDNC consulted with Main Justice, including the Commercial Litigation Branch and EOUSA, regarding any applicable internal policies and guidance, and it was determined that recent guidance from the Executive Office for United States Attorneys applied to the USAO’s

litigation position on a stay in this appeal, and dictated the USAO-WDNC should agree to Plaintiff's stay request through May 1, 2022, and offer to file any necessary papers to jointly request a litigation stay and indicate the USAO's consent thereto.

3. "A district court has the inherent power to control its own docket, including the power to stay proceedings before it. How to best manage the court's docket calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Larada Scis., Inc. v. Flosonix Ventures, LLC*, 2020 WL 1481571, at *1 (W.D.N.C. Mar. 23, 2020) (internal citations and quotations omitted).

4. Based on the Parties' agreement, and for judicial economy in the event that the Department of Education's student loan policies change in such a manner as to impact the dischargeability of Plaintiff's student loans during the instant appeal, the Court may exercise its discretion to grant a stay through May 1, 2022.

Respectfully submitted this 15th day of February, 2022 on behalf of the Parties.

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